

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DONALD GRAHAM,

Plaintiff,

-against-

RICHARD PRINCE, GAGOSIAN
GALLERY, INC., and LAWRENCE
GAGOSIAN,

Defendants.

No. 1:15-cv-10160-SHS

Oral Argument Requested

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of Joshua I. Schiller, and the exhibits attached thereto, Defendants Richard Prince, Gagosian Gallery, Inc., and Lawrence Gagosian hereby move the Court, before the Honorable Sidney H. Stein, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order dismissing with prejudice Plaintiff Donald Graham's Corrected Amended Complaint, dated March 25, 2016, ECF No. 30, pursuant to Federal Rule of Procedure 12(b)(6), on the ground of fair use, pursuant to 17 U.S.C. § 107.

Dated: New York, New York
April 20, 2016

/s/ Matthew S. Dontzin

Matthew S. Dontzin
Tibor L. Nagy
Tracy O. Appleton
DONTZIN NAGY & FLEISSIG LLP
980 Madison Avenue
New York, New York 10075
Tel: (212) 717-2900
Fax: (212) 717-8088
mdontzin@dnflp.com
tibor@dnflp.com
tappleton@dnflp.com

*Attorneys for Defendants Gagosian Gallery,
Inc., and Lawrence Gagosian*

Respectfully submitted,

/s/ Joshua I. Schiller

Joshua I. Schiller
Matthew L. Schwartz
Frederick J. Lee
Benjamin Margulis
BOIES, SCHILLER & FLEXNER LLP
575 Lexington Avenue
New York, NY 10022
Tel: (212) 446-2300
Fax: (212) 446-2350
jischiller@bsflp.com
mlschwartz@bsflp.com
flee@bsflp.com
bmargulis@bsflp.com

Attorneys for Defendant Richard Prince